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CHAIRMAN, DEMOCRATIC POLICY COMMITTEE

United States Senate

WASHINGTON, DC 20510-3405

December 15, 2003

Roger Nober
Chairman
Surface Transportation Board
Washington, DC 20000

Dear Chairman Nober:

I want to alert you to a growing crisis associated with grain transportation in North Dakota that demands your immediate attention.

Crops have been piled up across North Dakota due to the lack of rail service. This is causing serious financial hardships for farmers and elevator operators unable to move their crops in a timely fashion.

The impact is enormous. The lack of rail service has forced many elevators to pile crops on the ground and in some cases turn away customers because the elevators are already filled to capacity. When the elevators are full, farmers go unpaid because they cannot even deliver their crop to the elevator. Meanwhile the crops that remain piled outside continue to deteriorate until rail service arrives.

While I understand that this was a good year for production in North Dakota, the fact is that much of the service which is now late was purchased months ago as part of a Certificate of Transportation (COTs) program. There also appears to be a huge disparity between the service provided to the large shuttle loaders and the smaller operators including unit train elevators. I understand that shuttle loaders are not facing significant delays compared to the smaller elevators that are being forced to wait weeks or months for service.

As the federal agency charged with ensuring that the railroad industry "meet[s] the needs of the public" I urge you to invoke your emergency powers and take immediate action. As you know, under Section 11123, "when the Board determines that shortage of equipment ... exists which creates an emergency situation of such magnitude as to have substantial adverse affects on shippers or on rail service in a region" the Board may take steps to remedy the situation.

In my view, what is happening now in North Dakota is exactly the type of situation that Section 11123 is meant to address. The railroads that are dominant providers of grain transportation in North Dakota are failing to meet their commitments. I would ask that you convene an immediate inquiry to determine what action is needed to protect the public interest, resolve the immediate crisis, and prevent this from happening again in the future.

I look forward to hearing from you.

Sincerely,



Byron L. Dorgan
United States Senate

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